

REMARKS

Amendment

Claim 1 has been amended without prejudice. Claims 19 and 20 have been added without prejudice.

Claim Rejections Under 35 U.S.C. §103

In the Office Action, claims 1-4, 6, 7, 8, 9, 12 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vaitekunas et al. (USPN 5,707,369) in view of Stern et al. (USPN 5,443,463).

In the Office Action, claims 5, 17 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vaitekunas et al. (USPN 5,707,369) and Stern et al. (USPN 5,443,463) further in view of Chinn (USPN 5,647,868).

In the Office Action, claims 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vaitekunas et al. (USPN 5,707,369) and Stern et al. (USPN 5,443,463) further in view of Hoffman (USPN 4,682,605).

In the Office Action, claims 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vaitekunas et al. (USPN 5,707,369) and Stern et al. (USPN 5,443,463) further in view of Zarudiansky (USPN 4,414,984).

Obviousness cannot be established by the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive. The Vaitekunas et al. (USPN 5,707,369) reference, the Stern et al. (USPN 5,443,463) reference, the Chinn (USPN 5,647,868) reference, the Hoffman (USPN 4,682,605) reference and the Zarudiansky (USPN 4,414,984), alone or in combination, do not provide any motivation, suggestion or teaching for providing a system for assessing transmural ablation in a tissue comprising an ablation apparatus operatively adapted to ablate a first side of the tissue, a temperature-sensing pad operatively adapted to sense temperature along a second side of the tissue, the temperature-sensing pad comprising at least one suction opening positioned along a tissue contact surface, the suction opening operatively adapted to anchor the temperature-sensing pad to the tissue, a suction source in

communication with the suction opening, the suction source operatively adapted to provide suction to the suction opening, and an output device in communication with the pad, the output device operatively adapted to indicate the temperature of the tissue as now required by amended independent claim 1 and dependent claims 2-18. Thus the U.S.C. 103(a) rejections of independent claim 1 and dependent claims 2-18 as being unpatentable over combinations of the Vaitekunas et al. (USPN 5,707,369) reference, the Stern et al. (USPN 5,443,463) reference, the Chinn (USPN 5,647,868) reference, the Hoffman (USPN 4,682,605) reference and the Zarudiansky (USPN 4,414,984) reference should be withdrawn.

Support for this amendment is clearly found in the application as originally filed. No new matter is presented.

After amending and adding claims as set forth above, claims 1-20 remain pending in the application and are believed to be in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

A petition for a three (3) month extension of time under 37 C.F.R. § 1.136(a) has been filed with this response. Please charge to Deposit Account No. 13-2546 the fee of \$1,020.00 which is required for the three-month extension of time.

A supplemental information disclosure statement has been filed with this response. Please charge to Deposit Account No. 13-2546 the fee of \$180.00 which is required for the information disclosure statement.

If the Examiner comes to believe that a telephone conversation may be useful in addressing any remaining open issues in this case, the Examiner is urged to contact the undersigned agent at 763-391-9867.

Please charge any required fees or credit any overpayment to Deposit Account
No. 13-2546.

Respectfully submitted,

Date January 23, 2006

By  _____

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